

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JAMES HARDY,

Defendant.

10-cr-1123 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On April 22, 2020, the Court received a letter motion from defendant James Hardy alleging that the Bureau of Prisons ("BOP") has miscalculated his sentence and requesting that the Court order BOP to correct his sentence. ECF No. 44. The proper vehicle for challenging the BOP's computation of a sentence is a petition brought under 28 U.S.C. § 2241. See Adams v. United States, 372 F.3d 132, 135 (2d Cir. 2004). Because Hardy's barebones letter fails to comply with the procedural requirements of § 2241, the Court may not grant Hardy the relief he seeks.

Moreover, Hardy has failed to exhaust administrative remedies available to him such that the Court could review his sentence computation. United States v. Whaley, 148 F.3d 205, 207 (2d Cir. 1998). Before petitioning this Court, Hardy first should have brought his concerns about his sentence computation to BOP itself as prescribed in 28 C.F.R. §§ 542.10-542.16.

Accordingly, Hardy's application is hereby denied, without prejudice to being renewed if and when he has exhausted his administrative remedies and complied with all procedural requirements. The Clerk of Court is directed to mail this order to James Hardy.

SO ORDERED.

Dated: New York, NY

May 4, 2020


United States District Judge